

BILL NO. 2006-51

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 5847 TO DELETE CERTAIN PROVISIONS RELATED TO SLEEPING QUARTERS WITHIN FIVE HUNDRED FEET OF ANY DEPOSIT OF URINE OR FECES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney Summary: Amends Ordinance No. 5847 to delete certain provisions related to sleeping quarters within five hundred feet of any deposit of urine or feces.

**THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: Ordinance No. 5847 of the City of Las Vegas is hereby amended as set forth in Section 2 of this Ordinance.

SECTION 2: Section 2 of Ordinance No. 5847 is hereby amended to read as follows:

Section 2: Title 10, Chapter 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 40, reading as follows:

10.40.040: (A) For purposes of this Section:

(1) “Appropriate sanitary facility” means a urinal, toilet, commode or other facility that accommodates or is designed for the sanitary disposal of human bodily fluids or waste and that is enclosed from public view.

(2) “Public place” means any walkway, street, highway, sidewalk, bridge, overpass, alley or alleyway, plaza, park, driveway, transportation facility, park, recreational area, parking lot, vacant or undeveloped lot or the stairwells, alcoves, doorways and entrance ways to such places.

(3) “Verified medical condition” does not include alcoholism or the excessive consumption of alcohol.

(B) Any person who urinates or defecates in, on or about any of the following places, other than in an appropriate sanitary facility, is guilty of

1 **a misdemeanor:**

2 (1) **Any public place;**

3 (2) **Any private property into or upon which the public**
4 **is admitted by easement or license; or**

5 (3) **Any private property without the consent of the**
6 **owner.**

7 (C) **It is an affirmative defense to an offense described in**
8 **Subsection (B) that such person then suffered from [an] a verified medical**
9 **condition which necessitated or caused such action.**

10 (D) **It is unlawful for any person who has urinated or defecated**
11 **in, on or about any public place, other than in an appropriate sanitary facility,**
12 **to fail to clean or remove the material deposited, or to fail to dispose of the**
13 **material used in the cleaning or removal process in a container designed for such**
14 **disposal as required under Title 9. Such action must be taken immediately or as**
15 **is otherwise immediately practicable under the attendant circumstances.**

16 [(E) **It is unlawful for any person to knowingly establish,**
17 **maintain or fail to relocate a temporary, portable or open sleeping quarters**
18 **within five hundred feet of any deposit of urine or feces, other than a deposit in**
19 **an appropriate sanitary facility, in any of the following places:**

20 (1) **Any public place; or**

21 (2) **Any private property into or upon which the public**
22 **is admitted by easement or license.]**

23 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2006, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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